

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

WORCESTER, ss.

In re:)	Chapter 7
)	Case No. 23-40709-CJP
WESTBOROUGH SPE LLC,)	
)	
Debtor.)	
)	

MOTION TO COMPEL RELEASE OF INFORMATION FOR COMPLIANCE WITH
THE FINANCIAL CRIMES ENFORCEMENT NETWORK (FinCEN)
REQUIREMENTS

NOW COMES Lolonyon Akouete, a creditor of Westborough SPE LLC, in the bankruptcy case currently pending before this Court. An Order for Relief was entered on October 11, 2023, with Jonathan Goldsmith duly appointed as the Chapter 7 Trustee. This motion respectfully requests the Court to compel David M. Abramowitz, the former legal counsel for Westborough SPE LLC from Goulston & Storrs PC, to release necessary information for compliance with the Beneficial Ownership Information (BOI) report as required by the Financial Crimes Enforcement Network (FinCEN). In support of this motion, the movant states as follows:

1. **Introduction:** I, Lolonyon Akouete, am a creditor in the bankruptcy case of Westborough SPE LLC. Following the entry of an order of relief and the appointment of a trustee, I am filing this motion in my capacity as a creditor.
2. **Trustee's Lack of Response:** While I understand that addressing these matters typically falls within the duties of the bankruptcy trustee, Jonathan Goldsmith, the appointed Chapter 7 Trustee, has not responded to any communications regarding this matter. This lack of response necessitates my direct involvement as a creditor to protect the interests of the bankruptcy estate.
3. **Bankruptcy Court's Equitable Powers:** Pursuant to 11 U.S.C. § 105, the Bankruptcy Court has broad equitable powers to issue orders necessary or appropriate to carry out the provisions of the Bankruptcy Code. This motion seeks such an order to compel the disclosure of information crucially for preventing potential financial liabilities to the bankruptcy estate.
4. **Examination under Federal Rules of Bankruptcy Procedure:** Under Fed. R. Bankr. P. 2004, the Court has the authority to order the examination of entities concerning the debtor's financial affairs. The information sought in this motion falls within the scope of such an examination, as it is relevant to the administration of the bankruptcy estate.
5. **Background and Legal Representation:** Westborough SPE LLC was formed under Delaware law and registered in Massachusetts. David M. Abramowitz of Goulston & Storrs PC was the former legal counsel. Gary M. Ronan, also from Goulston & Storrs PC, informed us that the firm cannot share confidential information about its former clients.

6. **Legal Basis for the Motion:** Based on relevant case law, including *Gretsky v. Miller*, 160 F. Supp. 914 (1958), the identity of a client is generally not protected by the attorney-client privilege under Massachusetts, Delaware, and Federal Common Law.
7. **Concerns Regarding Bankruptcy Estate:** Failure to obtain this information for compliance with FinCEN requirements could result in civil fines of up to \$500 per day and potential criminal repercussions, significantly depleting the bankruptcy estate and adversely affecting the interests of all creditors.
8. **Request for Relief:** This motion respectfully requests the court to order David M. Abramowitz to provide any available information regarding the identity of the original client who engaged his services for the formation of Westborough SPE LLC, as it is critical for preventing financial liabilities to the bankruptcy estate.
9. **Conclusion:** The release of this information is essential for preserving the integrity of Westborough SPE LLC's bankruptcy estate and ensuring compliance with regulatory requirements, thereby protecting the interests of all creditors.

WHEREFORE, Lolonyon Akouete, as a creditor in the bankruptcy case of Westborough SPE LLC, respectfully requests that this Court enter an order compelling David M. Abramowitz to release the necessary information for compliance with the Financial Crimes Enforcement Network (FinCEN) Beneficial Ownership Information (BOI) report requirements, consistent with the legal precedents, the Bankruptcy Court's equitable powers, and the Federal Rules of Bankruptcy Procedure.

DATED: January 5, 2024, Respectfully submitted:

By creditor,



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CERTIFICATE OF SERVICE

I, Lolonyon Akouete, a creditor, hereby certify that the above document is served by email and mailing a copy of the same, first-class mail, to the following:

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